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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. 16-33768-pcm11
)
Deer Meadows, LLC)
) Chapter 11
)
Debtor.) DEBTOR'S MOTION TO EXTEND THE
) EXCLUSIVITY PERIODS PURSUANT
) TO 11 U.S.C. § 1121(d) AND TO
) EXTEND DEADLINE TO FILE
) DISCLOSURE STATEMENT AND
) PLAN OF REORGANIZATION

Debtor moves the Court, pursuant to 11 USC § 1121(d), for an extension of the exclusivity period in 11 USC § 1121(b) and to extend the deadline for debtor to file a disclosure statement and a plan of reorganization to a date no earlier than April 17, 2017. Debtor also requests an extension of the exclusivity period in 11 USC § 1121(c) to a date no earlier than June 15, 2017. Debtor respectfully represents:

1. Debtor filed a petition for relief with the Court on September 30, 2016. Section 1121(b) of the United States Bankruptcy Code (the "Code") provides that only the debtor may file a plan within the 120 days after the date of the order for relief. Section

1 1121(c) of the Code further provides that a party in interest other than the debtor may file a
2 plan only if (1) a trustee has been appointed; (2) the debtor has not filed a plan before 120
3 days after the date of the order for relief; or (3) the debtor has not filed a plan that has been
4 accepted before 180 days after the date of the order for relief under this chapter, by each
5 class of claims or interests that is impaired under the plan. The day 120 days after the date of
6 the order for relief in this case is January 28, 2016, and the day 180 days after the date of the
7 order for relief in this case is March 29, 2017.

8 2. By prior order of this Court [Dkt#076], the debtor is to file a disclosure
9 statement and a plan of reorganization no later than January 30, 2017.

10 3. Section 1121(d) of the Code provides that the periods specified in Section
11 1121(b) and (c) may be extended for cause. Factors used to evaluate “cause” include (1)
12 number of prior extensions; (2) complexity of the case; (3) duration of time since the filing
13 of the case; (4) whether the debtor appears to be proceeding in bad faith; (5) improved
14 operating revenues so that the debtor was paying current expenses; (6) a reasonable prospect
15 for filing a viable plan; (7) whether the debtor was making satisfactory progress negotiating
16 with key creditors; (8) whether the debtor was seeking an extension of exclusivity to pressure
17 creditors; and (9) whether the debtor was depriving the Committee of material or relevant
18 information. *In re Henry Mayo Newhall Memorial Hosp.*, 282 BR 444, 452 (9th Cir. BAP
19 2002). The primary consideration is whether adjustment of exclusivity will facilitate moving
20 the case forward toward a fair and equitable resolution. *Id.* at 453.

21 4. No prior requests to extend the exclusivity period have been made. Debtor has
22 made meaningful progress by employing necessary general counsel, a real estate broker,
23 special counsel and a patient care ombudsman, timely complying with reporting and meeting
24 requirements, obtaining necessary and appropriate stipulated allowances for use of cash
25 collateral with debtor’s secured lenders and providing adequate assurance of payment for
26 utility services.

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TO 11 U.S.C. § 1121(d) AND TO EXTEND DEADLINE TO FILE DISCLOSURE
STATEMENT AND PLAN OF REORGANIZATION

/s/ Stephen T. Boyke
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Attorney For Debtor in Possession